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July 21, 1997

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: Amendment of Parts 2, 15, 18 and Other Parts of the
Commission's Rules to Simplify and Streamline the
Equipment Authorization Process for Radio Frequency
Equipment (ET Docket No. 97-44)
Notice of Proposed Rule Making
Comments of GE Lighting

Dear Mr. Caton:

GE Lighting, through counsel, hereby submits the original
and five copies of comments in response to the above-captioned
proceeding. Please contact the undersigned if questions arise.

Sincerely,


Donald Zeifang

Enclosures

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FEDERAL COMMUNICATIONS COMMISSION

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WASHINGTON, DC 20554

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of)
)
Amendment of Parts 2, 15, 18 and) ET Docket No. 97-94
Other Parts of the Commission's Rules)
to Simplify and Streamline the)
Equipment Authorization Process for)
Radio Frequency Equipment)

To: The Commission

COMMENTS OF GE LIGHTING

1. GE Lighting, through counsel, files the following comments in response to the Commission's Notice of Proposed Rule Making ("Notice") in the above-captioned proceeding. As a member of the Lamp Section of the National Electrical Manufacturers Association, GE Lighting supports the comments filed separately by that organization on behalf of its Lamp and Ballast Section members. GE Lighting files these brief comments to separately emphasize specific issues of particular importance to the company.

2. GE Lighting, a division of General Electric, manufactures RF lighting devices for consumer and non-consumer uses. The typical RF lighting device, such as a compact fluorescent lamp designed for use in a standard incandescent light socket, is sold in a package or carton designed to protect the device with a minimum amount of packaging. Information such as product advertising, bar codes and, to the extent necessary, instructions

for use are generally printed directly on the package. Separate printed inserts are rarely, if ever, included in the package.¹

3. Under the Commission's current rules, GE Lighting and other manufacturers of RF lighting devices are subject to separate equipment authorization procedures for consumer and non-consumer RF lighting devices, even though the products may be identical. RF lighting devices are classified as industrial, scientific and medical (ISM) devices pursuant to Part 18 of the Commission's Rules. Non-consumer RF lighting devices are subject to verification, whereas consumer RF lighting devices are subject to certification.² If GE Lighting seeks to introduce an RF lighting device to both the non-consumer and the consumer markets, it must first comply with certification procedures, including filing an equipment authorization request with the Commission. Similarly, if GE Lighting decides to market to consumers a non-consumer RF lighting device which already meets the technical requirements for consumer RF lighting devices, the company must comply with the certification procedures before that device can be sold on the consumer market. The certification filing process is administratively burdensome and raises the risk of authorization delay, thereby causing uncertainty in the product introduction process. Furthermore, as the use of RF lighting devices in a

¹GE Lighting's high speed assembly lines for RF lighting devices produce, for example, one thousand to two thousand compact fluorescent lamps per hour and simply are not designed to accommodate insertion of product literature.

²See 47 C.F.R. § 18.203.

consumer setting usually does not differ from the use of those devices in a non-consumer setting, it is difficult to understand the value of engaging formal Commission review in the former, but not the latter, circumstance.

4. GE Lighting therefore supports the Commission's efforts to reduce burdensome rules currently governing equipment authorization procedures. As the Commission notes, there has been an excellent record of compliance for many types of equipment, including consumer ISM equipment. Notice at ¶ 18. The use of the Declaration of Conformity ("DoC") procedure, rather than certification, as proposed by the Commission for consumer ISM equipment, including RF lighting devices, will serve the public interest by eliminating burdensome filing procedures and the inherent uncertainty of the administrative process, while conserving Commission resources by eliminating unnecessary filings.

5. GE Lighting does, however, have specific concerns regarding limited aspects of the application of the DoC procedure to consumer RF lighting devices. Under the DoC procedure, the manufacturer is required to include a written Declaration of Compliance with the literature furnished to the user. Notice at ¶ 11, 47 C.F.R. § 2.1077(a). As described above, the only "literature" furnished to consumers purchasing most RF lighting devices is the information included on the packaging. While other consumer ISM devices such as microwave ovens routinely include instruction booklets where a Declaration of Compliance may be included, most RF lighting devices simply do not require

instruction booklets. To require the inclusion of package inserts to provide a Declaration of Compliance would destroy any economies that would arise out of adoption of the DoC procedure. Furthermore, as the Declaration of Compliance is not required for RF lighting devices sold for non-consumer uses, it is unclear why this information would be useful for consumer uses. Indeed, GE Lighting is unaware of any concerns that have arisen from the lack of such information with non-consumer RF lighting devices--even though those devices may be identical to those sold for consumer use.

6. Inclusion of a Declaration of Compliance on the packaging itself is not a viable option. With the increased emphasis on reducing packaging in order to promote environmental responsibility, there is less and less space on packaging for the inclusion of information. As the packaging of consumer RF lighting devices now includes advertising and any necessary instructions, there is little if any room to add additional information.³ The limited space that may exist on certain packaging will shrink as new, increasingly environmentally friendly packaging is designed.⁴

7. Therefore, GE Lighting respectfully proposes that the

³There is even less room on those products designed to be sold in both the American and Canadian market, as written information on those packages must be in both English and French. The use of multilingual packaging is likely to continue to increase.

⁴Furthermore, unlike an instruction booklet containing a Declaration of Compliance, the packaging of an RF lighting device is likely discarded by the consumer once the device is removed. The utility of the Declaration of Compliance to the consumer in this context is therefore questionable.

Commission combine limited aspects of the verification procedure with the DoC procedure with respect to consumer RF lighting devices. Specifically, GE Lighting requests that the Commission treat consumer and non-consumer RF lighting devices in the same manner and not require the inclusion of a written Declaration of Compliance with consumer RF lighting devices. If the Commission finds that the provision of some information would serve the interests of consumers, GE Lighting proposes that the information be kept to a minimum--for instance, a single line on the packaging stating, "Complies with FCC Part 18" or the application of a small FCC logo to the packaging.

8. For the reasons stated above, GE Lighting supports the Commission's proposal to subject consumer ISM devices to the DoC procedure rather than the certification procedure. At the same time, however, GE Lighting encourages the Commission to recognize the unique nature of RF lighting devices and to exempt those devices from requirements regarding the inclusion of written Declarations of Compliance. Adoption of this minor change to the DoC requirements for consumer RF lighting devices will provide manufacturers with the option of packaging and labeling consumer and non-consumer RF lighting devices in a similar manner,

thereby promoting cost economies with no harm to the public interest.

Respectfully submitted,



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Date: July 21, 1997

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